

In item 1 on page 2 of the Office action, claims 1-14, 21-22, 27-28, and 30-32 have been rejected as being obvious over Ranta (6,339,697) in view of Zehavi (6,496,543) under 35 U.S.C. § 103. Applicant respectfully traverses.

Claim 1 defines a method for allocating a transmission capacity to connections in a radio communication system. The method includes a step of allocating a transmission rate to a connection established via a radio communication interface between a base transceiver station and a subscriber station in dependence of a connection-specific path loss of the radio communication interface. This step is not taught or suggested by the cited references.

On page 3 of the Office action, the Examiner has referenced Ranta and has asserted that "distance" and path loss" are indicators for signal quality. This is not correct. One of ordinary skill in the art measures signal quality, for example, by a bit error rate (see col. 7, lines 33-36 of Ranta), a block error rate, or a frame error rate. For one of ordinary skill in the art, signal quality always means a ratio of correctly received data to data received as a whole or a signal-to-error-signal ratio (SNR: signal to noise ratio). A distance or a path loss can never be used to determine signal quality directly and vice versa. An excellent signal quality can be present at high as well as at low path losses. Only the

actually used transmitting power influences the signal quality, whereas the path loss is independent of the used transmitting power. The path loss depends, according to its name, exclusively on the condition of the path (the expansion path) that a signal passes during a transmission. One of ordinary skill in the art would thus never come to a conclusion regarding a certain signal quality by using a path loss that is known, i.e. for example, accepting a lower path loss as an indicator for a high signal quality.

Therefore one of ordinary skill in the art could not have obtained the claimed invention by referring to the cited references.

Further, one of ordinary skill would not have obtained any suggestion to modify the teaching in Zehavi because he/she cannot recognize a relationship between the path loss used in Zehavi and a signal quality that describes an interference load. One of ordinary skill in the art could not obtain any suggestion that, in order to determine the signal quality in Zehavi, a path loss could be used instead of a bit error rate that is measured at each base station. Reference can be made to col. 7, lines 33-36 of Ranta, which discloses that signal quality can be measured by a bit error rate (BER) measurement.

Claim 32 defines a radio communication system, comprising: a subscriber station; and a base transceiver station having a radio connection to said subscriber station, the radio connection having a given path loss and having an allocated transmission rate based on the given path loss.

As discussed above, since one of ordinary skill in the art would not have obtained a suggestion to combine the cited references, the invention as defined by claim 32 is not obvious.

In item 2 on page 7 of the Office action, claims 15-20 have been rejected as being obvious over Ranta (6,339,697) in view of Zehavi (6,496,543) and further in view of Johansson et al. (6,473,399) and Rathonyi et al. (6,359,877) under 35 U.S.C. § 103. Applicant respectfully traverses.

The invention as defined by these claims is not obvious for the reasons specified above with regard to claim 1.

In item 3 on page 8 of the Office action, claims 23-26 have been rejected as being obvious over Ranta (6,339,697) in view of Zehavi (6,496,543) and further in view of Pehrson (6,339,705) under 35 U.S.C. § 103. Applicant respectfully traverses.

The invention as defined by these claims is not obvious for the reasons specified above with regard to claim 1.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 32. Claims 1 and 32 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-32 are solicited.

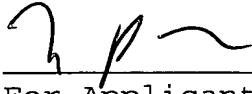
In the event the Examiner should still find any of the claims to be unpatentable, he is respectfully requested to telephone counsel so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and

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Respectfully submitted,



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